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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,475

11/21/2003

Nicholas S. Huslak

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7590

10/12/2006

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EXAMINER

ROSE, HELENE ROBERTA

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/719,475		HUSLAK ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Helene Rose		2163	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

1. Claims 1-23 are pending; No claims have been amended; No new claims have been added, nor cancelled.
2. Applicant's arguments, filed on 8/5/2006, with respect to claims 1-23 have been considered, but are not persuasive.

**Claim Rejections – 35 U.S.C - 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al (US Patent No. 6,658,415, Filing Date of Patent: April 28, 2000).

**Claims 1, 11 and 21:**

Regarding claims 1, 11 and 21, Brown teaches a system for providing adaptive programming listings over a network (Figure 1, all features and column 4, lines 48-67, wherein adaptive content file, adaptive collaboration, adaptive filtering, and so forth is defined, Brown), comprising:

a customer entity (Figure 3B, diagram 46 and 48, Brown);

a host system in communication with said customer entity via a communications network (Figure 4, all features), said host system comprising a server (Figure 3A, diagram 80, Brown), a

database of available programming data (column 9, lines 31-40, wherein the available programming data is defined such as budget preferences, location preferences, visual preferences, broadcast preferences, and etc, Brown), a database of customer preferences (Figure 4, diagram 44, Brown), and a database of program recommendation guides (Figure 8A, diagram 260, all features and column 8, lines 10-25, wherein services and product recommendation to a retailer staff may be determined from the authority-designated settings and user designated preferences and wherein output controller 92 controls distributions of services and product recommendation to output interfaces from among output interfaces 130a-130n that are accessible only by staff, Brown); and

a preference filtering system executing on said host system; wherein said preference filtering system performs:

gathering available programming data from said server (Figure 6, all features and wherein diagram 182, wherein yes or no if authorization is received or not received, if yes, it filters data according to the user settings, transmits to requesting platform, and so forth, Brown);

storing said available programming data in said database of available programming data (Figure 6, diagrams 198 and 200, Brown);

gathering program recommendation guides from third parties and storing said program recommendation guides in said database of program recommendation guides (column 6, lines 30-31, wherein all types of data may be stored in data storage and medium and column 10, lines 34-42, wherein a particular UCID includes a chaperone application 50 that responds to data received and requested from other data processing systems, including server system 80 and security system 33, wherein a chaperone application 50 provides analysis of products and

Art Unit: 2163

services provided by server system 80 in view of authorization settings 42a-42n, user designated preferences 44, schedule 46, user profile 48, and other data stored according to the UCID, Brown);

presenting a user interface to a customer entity along with said program recommendation guides (Figures 8A and 8B, all features, Brown);

receiving at least one selection from said program recommendation guides (column 10, lines 13-19, wherein child's UCID, i.e. universal communications identifier account would receive a listing of products and services for the theme park that is transmittable to an authority at a remote computer system, Brown); and

storing said at least one selection in said database of customer preferences (Figure 4, diagram 44, wherein it is stored in Figure 40, which is data storage medium, Brown).

**Claims 2 and 12:**

Regarding claims 2 and 12, Brown teaches receiving a request from said customer entity for an on-screen program listing (column 10, lines 13-19, wherein child's UCID, i.e. universal communications identifier account would receive a listing of products and services for the theme park that is transmittable to an authority at a remote computer system, Brown);

processing said request by comparing said at least one selection from said program recommendation guides as stored in said customer preference database to said available programming data (Figure 7A, all features, and wherein diagram 224, wherein comparing the authority-designated settings and user-designated preferences with the available content in the product and services, wherein for example the authority-designated settings and any user designated preferences are compared with the content of available television shows, diagram 226

Art Unit: 2163

transmits the authorized selection of product/services for the user to the user portable computer system, wherein diagram 228, a selection of advertisements from the advertising database according to authority-designated settings and user-designated preferences, and diagram 240, comparing the authority-designated setting with the content accessible via platform, next is authorized, and wherein access is authorized to a particular product/service or content if enabled by the authority designated settings, also see columns 14-15, lines 59-67 and lines 1-29, wherein the Figure 7 is further defined, Brown); and

presenting a filtered on-screen program listing to said customer entity resulting from said processing (Figure 6, all features, wherein the Figure is further defined in column 13, lines 43-48, if a request is received then the process passes to block 184, filtering the authority designated settings according to location, schedule, and user profile, wherein block 186 transmits the filtered authority-designated settings to the requesting platform, and the process passes to block 188, Brown).

**Claims 3 and 13:**

Regarding claims 3 and 13, Brown teaches performing at least one of:

transmitting a program signal to said customer entity in response to a request to view a program listed on said filtered program listing (column 14, lines 10-22, wherein determination as to whether or not a request for a record of content access is received, and if the request is received, the process proceeds, and if the authority is included as an allowable authority then the process continues to proceed, transmitting a content access record according to the requesting authority to a requesting system, Brown); and

Art Unit: 2163

automatically signaling a personal recording device to record said program on behalf of said customer entity (column 9, lines 57-61, wherein if a parent designates authorization settings for television viewing for a child, then a recording of access to television stored according to the child UCID is preferably retrievable by parent and column 11, lines 4-11, wherein if an authority designated setting limits usage of the Internet for that day for that user to one hour and forty-five minutes of usage have been recorded then accountability application would limit usage of the Internet to fifteen more minutes and would then control transmission of a recording of time spent on the Internet to remote server system, Brown).

**Claims 4 and 14:**

Regarding claims 4 and 14, Brown teaches generating a custom program recommendation guide by said host system using said available programming data (Figure 3A, diagrams 90 and 92, wherein its further defined in column 8, lines 10-25, wherein services and product recommendation to a retailer staff may be determined from the authority-designated settings and user designated preferences and wherein output controller 92 controls distributions of services and product recommendation to output interfaces from among output interfaces 130a-130n that are accessible only by staff and column 9, lines 31-40, wherein the available programming data is defined such as budget preferences, location preferences, visual preferences, broadcast preferences, and etc, Brown) and storing said custom program recommendation guide in said database (column 8, lines 36-42, Brown).

**Claims 5 and 15:**

Regarding claims 5 and 15, Brown teaches wherein said processing said request further includes:

deleting programs appearing on said program recommendation guides of programs to avoid from said filtered on-screen program listing (column 8, lines 39-49, wherein an authority may designate on a child's authority designated settings that a child **should not be shown** – is **equivalent** to deleting programs on said program recommendation guides, electronic advertising for cigarettes, and wherein the PDA would determine alternative types of electronic advertising that do not include cigarettes when the presence of the child is detected within a particular proximity even if the child has a programmed a preference for cigarettes, Brown);

retaining any programs appearing on said program recommendation guides that contain recommended programs on said customer's filtered on-screen program listing (column 15, lines 46-53, wherein a television that receives authority designated settings and user-designated settings for the child will first select television programs that are rated PG or lower an last an hour or less, then the television will further filter that selection to highlight cartoons, wherein filter by selection is interpreted to be hiding all the data you do not want to see so that you can display the records with which you want to work, Brown); and

handling programs not otherwise dealt with by said program recommendation guides in accordance with instructions provided by said customer entity (column 10, lines 1-9, wherein a television authority-designated settings may restrict a child from watching television that is rated higher than PG, however a special is coming on television that is rated PG-17, that the child request to watch based on educational value, the child request is transmitted to a parents computer at work where the parent designates a one-time authorization to the child UCID account, Brown).



**Claims 6 and 16:**

Regarding claims 6 and 16, Brown teaches wherein said third parties include external sources comprising at least one of:

- a film institute;
- a magazine (Figure 8A, wherein a books is defined);
- a religious organization;
- a topical web site;
- a video store; and
- a commercial business (column 7, line 32-33, wherein a video commercial of a new movie time is defined).

**Claims 7 and 17:**

Regarding claims 7 and 17, Brown teaches wherein said customer entity comprises at least one of:

- a telephone;
- a mobile communications device;
- a television (column 15, lines 49, wherein television is defined, Brown);
- a set top box;
- a personal recording device; and
- a personal computer.

**Claims 8 and 18:**

Regarding claims 8 and 18, Brown teaches wherein said presenting a filtered on-screen program listing to said customer entity resulting from said processing further includes presenting

Art Unit: 2163

a filtered on-screen program listing in accordance with an access level granted to an account member, said access level extending or limiting access to view program listings (Figure 8A, diagram 260, all features, Brown).

**Claims 9 and 19:**

Regarding claims 9 and 19, Brown teaches wherein said transmitting a program signal to said customer entity in response to a request to view a program further includes transmitting said program signal in accordance with an access level granted to an account member, said access level extending or limiting access to view a program (columns 9-10, lines 62-67 and lines 1-9, wherein user may transmit a request to an authority at a data processing system that is accessible to the authority, the authority may designate a one-time access, multiple accesses or change authority-designated settings remotely and transmit the designations to a particular UCID account, wherein for example, a television authority-designated setting may restrict a child from watching television that is rated higher than PG, however a special is coming on television that is rated PG-17 that the child requests to watch based on educational value, the child's request may be transmitted to a parent's computer at work where the parent designates a one-time authorization for the show and transmits the authorization to the child's UCID account and column 15, lines 49-54, wherein a parent, A has set a television setting of access only to PG or less and access for one hour daily and every television that is accessible to the child is only accessible according to the authority-designated setting, Brown).

**Claims 10 and 20:**

Regarding claims 10 and 20, Brown teaches wherein said automatically signaling a personal recording device to record said program on behalf of said customer entity further

Art Unit: 2163

includes signaling said personal recording device in accordance with an access level granted to an account member, said access level extending or limiting access to record a program or view an already recorded program (Figure 8C, all features, wherein further defined in column 15, lines 54-67, wherein listing of authorities and passwords in order to access recorded authorization, denial of authorization and location, i.e. if applicable, wherein the example, Sylvia is parent A and has designated a list of authorities for the child including herself, parent B, library A, and babysitter A; Parent A is preferably given access to all data in the child's authorization record according to graphical indicator 226 which is only design a table by parent A, while other authorities are only allowed access to particular records, wherein addition, any authority-designated settings, which contradict those set by parent A, are overridden, however, parent B is not given access to all data in the child's authorization record, however may access authorization records that are a result of the authority-designated settings by parent B; for example, a record of radio listening is recorded in data storage structure 224 in association with the authority-designated setting by parent B in data storage structure 220 of radio access to classical or oldies radio stations only, Brown).

**Claim 22:**

Regarding 22, Brown teaches a link to at least one external database storing a program recommendation guide (Figure 6, diagram 190 and 194, wherein storing authorization of record according to authority is illustrated, Brown).

**Claim 23:**

Regarding 23, Brown teaches wherein said customer entity comprises at least one of a: television (column 15, lines 49, wherein television is defined, Brown);

Art Unit: 2163

a personal recording device (column 15, lines 54-57, Brown);

a telephone;

a set-top box;

a personal computer; and

a personal digital assistant.

### Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al.

US Patent No. 6,658,415

Kurapati et al.

US Patent No. 7,035,863

Youman et al.

US Patent No. 5,629,733

### Examiner's Response

5. Applicant argues prior fail to teach, *“gathering available programming data from a server; gathering program recommendation guides from a third parties and storing said program recommendation guides in a recommendation guide database; presenting a user interface to a customer entity along with said program recommendation guides”*.

Examiner respectfully disagrees. Referring to *“gathering available programming data from a server”* - see Figure 6, all features and wherein diagram 182, wherein yes or no if authorization is received or not received, if yes, it filters data according to the user settings, transmits to requesting platform, and so forth; column 8, lines 46-49, wherein PSA 90 would

Art Unit: 2163

determine alternate types of electronic advertising that do not include cigarettes when the presence of the child is detected within a particular proximity, even if the child has programmed a preference for cigarettes, wherein applicants specification paragraph [0023], available programming database 114 stores a list of all available programs currently available on server 112 and the programming may include broadcast programming, cable network programming, premium channel programming, and pay-per-view programming selections; column 9, lines 33-36, wherein included in the authorization settings may be access settings for budget preferences, location preferences, visual preferences, broadcast preferences, and etc; “gathering program recommendation guides from a third parties and storing said program recommendation guides in a recommendation guide database” - see column 6, lines 30-31, wherein all types of data may be stored in data storage and medium and column 10, lines 34-42, wherein a particular UCID includes a chaperone application 50 that responds to data received and requested from other data processing systems, including server system 80 and security system 33, wherein a chaperone application 50 provides analysis of products and services provided by server system 80 in view of authorization settings 42a-42n, user designated preferences 44, schedule 46, user profile 48, and other data stored according to the UCID; and column 7, lines 47-50, wherein product and service specifier application (PSA) 90 preferably analyzes authority-designated settings and user-designated preferences when received from remote server system 38 according to a particular UCID; “presenting a user interface to a customer entity along with said program recommendation guides”- see Figures 8A and 8B, all features, and column 7, lines 13-18, wherein output interfaces may include LCD graphical display, electronic paper displays, which are equivalent to pay-per-view, electronic billboard displays, and etc.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

#### **Point of Contact**

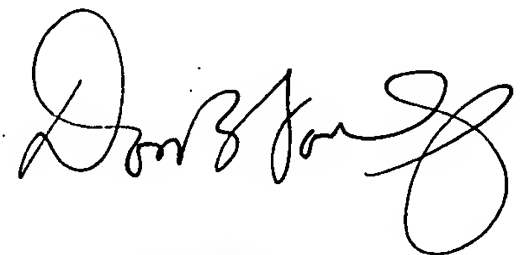
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helene Rose  
Technology Center 2100  
October 3, 2006

A handwritten signature in black ink, appearing to read "Don Wong", with a large, stylized loop at the end.

DON WONG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100